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5 *Co-Lead Class Counsel*

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION
14

15 IN RE: HIGH-TECH EMPLOYEE
16 ANTITRUST LITIGATION

17 THIS DOCUMENT RELATES TO:
18 ALL ACTIONS
19
20

Master Docket No. 11-CV-2509-LHK

**THE JOSEPH SAVERI LAW FIRM'S
SUPPLEMENTAL SUBMISSION
REGARDING ITS LODESTAR**

21 **DECLARATION OF JOSEPH R. SAVERI**

22 1. I am an attorney licensed in the State of California and admitted to practice in the
23 Northern District of California. I am the founder of Joseph Saveri Law Firm, Inc. ("JSLF"), Co-
24 Lead Counsel for the Class Representatives and the proposed Settlement Class. I have personal
25 knowledge of the facts set forth herein and could competently testify to them if called as a
26 witness.

27 2. I submit this declaration Pursuant to the Court's July 20, 2015 Order (Dkt. 1107),
28 which directs Co-Lead Counsel to file "a joint statement or declaration summarizing JSLF's

1 revised billing records, including the total number of hours spent by JSLF attorneys on this
2 litigation, the JSLF attorneys' individual billing rates, and justifications for such rates." *Id.*

3 3. I have shared this declaration with Lieff Cabraser Heimann & Bernstein, LLP
4 ("LCHB"). LCHB did not object to the summary of the hours billed as reflected herein, and stated
5 it took no position with respect to the hourly rates charged by JSLF.

6 4. Attached hereto as **Exhibit 1** is the revised detailed time entries of JSLF
7 containing the time entries that Co-Lead Counsel agrees, as part of the compromise and proposed
8 resolution set out and described in Class Counsel's Joint Supplemental Submission Regarding
9 Fees and Costs, (Dkt. 1105) ("Joint Statement"), should be submitted for purposes of the lodestar
10 cross-check in this case.

11 5. The revised JSLF detailed time records reflect the omission of (a) all time reported
12 and billed by Joseph R. Saveri (\$2,059,344), and (b) a total of \$332,966.25 in lodestar billed by
13 other attorneys and staff of the JSLF.¹

14 6. The revised JSLF numbers result in a revised total lodestar for JSLF of
15 \$3,922,509.00; a revised total lodestar for all Class Counsel of \$18,201,787.50; and a revised
16 multiplier cross-check of 4.46 for a fee of \$81,125,000.00. The calculations reflecting the revised
17 lodestar and multiplier are summarized in **Exhibit 2**.

18 7. Attached as **Exhibit 3** is a summary of the revised hours, billing rate, and lodestar
19 of each JSLF attorney or staff member submitted as part of the compromise and proposed
20 resolution described in the Joint Statement for purposes of the lodestar cross-check.

21 8. The JSLF makes the following representations, to which LCHB takes no position,
22 about the qualifications of each timekeeper submitting time from the JSLF: The hourly rates for
23 the partners, attorneys and professional support staff at JSLF included in **Exhibit 3** are the current
24

25 ¹ Class Counsel reported that \$278,656 was being deducted in their joint filing. Dkt. 1105 at 3.
26 This was a calculation error, and the correct figure is \$332,966.25. As set out in the Joint
27 Statement, as part of a compromise to reach a global resolution with LCHB on these issues, and
28 to be conservative, for purposes of the lodestar cross-check JSLF agreed in response to concerns
LCHB raised to (a) omit the time billed by Mr. Saveri even though he did substantial and
important work in the case; and (b) omit or reduce the hourly rate for certain other billing entries.

1 rates charged for those timekeepers. As previously indicated, Class Counsel submitted lodestar
2 information calculated at current rates. The rates set forth are the usual and customary hourly
3 rates charged for their services in non-contingent billable matters. These rates are similar to
4 prevailing market rates in this District. *See* Rubenstein Decl. ¶ 29 & Graph 1; Dkt. 1073-1 at 13-
5 14. Moreover, as explained below, these rates are consistent with fee applications by JSLF
6 granted in other recent litigation. The JSLF attorneys whose time is being submitted for purposes
7 of the lodestar cross-check are as follows:

8 a. Anthony Andreoli has over ten years' experience as an attorney. He was
9 admitted to practice in Pennsylvania in 2001. Mr. Andreoli worked as a Staff Attorney in the
10 Securities & White Collar Practice Group at Dechert LLP in Philadelphia, PA. He also spent time
11 as an Associate at Zenstein, Gallant & Parlow PC in Philadelphia, as a Legal/Business Affairs
12 Assistant at Endeavor and CAA (Talent Agencies) in Los Angeles, CA and as an Associate at
13 Dilworth Paxson LLP in Philadelphia.

14 b. James Dallal graduated in 2010, *cum laude*, from Hastings College of the
15 Law, and at the same time obtained an L.L.M. in European Law from Université Panthéon-Assas
16 in Paris (first in class and *mention bien*). He has been an associate at JSLF since summer 2012,
17 and prior that he worked in Los Angeles at a boutique law firm specializing in litigation arising
18 from the Financial Crisis. Mr. Dallal took nine depositions in this matter, and was involved in all
19 of the work JSLF did in preparing for expert depositions; briefing class certification and summary
20 judgment; communicating with Class members; and preparing for trial. In 2013, JSLF submitted
21 billing records for Mr. Dallal's services at its then-current hourly rate of \$450 an hour for
22 purposes of a lodestar cross-check in fee applications made in *In re Cipro Cases I and II*, JCCP
23 Nos. 4154, 4220 (San Diego County Sup. Ct.) and *In re Titanium Dioxide Antitrust Litigation*, 10-
24 cv-00318-RDB (D. Md.). The respective courts performed a lodestar cross-check using that
25 hourly rate, and awarded the fee requested in full.

26 c. Joshua P. Davis is Counsel to JSLF. He is also a Law Professor and
27 Associate Dean for Academic Affairs at the University of San Francisco School of Law, where
28 his scholarship focuses on antitrust law. Mr. Davis was a formerly a partner at Lieff Cabraser. He

1 graduated from New York University Law School in 1993, and clerked for the Hon. Patrick E.
 2 Higginbotham of the U.S. Court of Appeals for the Fifth Circuit. Mr. Davis was involved in key
 3 strategy decisions for this litigation; worked on issues related to experts and class certification;
 4 and worked on appellate issues and appellate filings.

5 d. Mary Heinrich has over ten years' legal experience, including as an
 6 associate at Philadelphia law firms Post & Schell, P.C., Obermayer Rebman Maxwell & Hippel,
 7 LLP, and Rawle & Henderson, LLP. She has also worked as a project attorney at Dechert LLP,
 8 Pepper Hamilton, and Grant & Eisenhofer. She graduated from Loyola University School of Law
 9 in New Orleans in 1999 and is admitted to the Pennsylvania bar.

10 e. Lisa Leebove was counsel at JSLF from 2012 to 2013. Ms. Leebove
 11 handled several depositions in this litigation, and was heavily involved in many aspects of class
 12 certification and expert work. Ms. Leebove supervised and managed junior JSLF attorneys and
 13 staff who worked on the litigation. Ms. Leebove was formerly a Partner at Lieff Cabraser. She is
 14 a graduate of Hastings College of the Law and was admitted to the California bar in 1996. In
 15 2013, JSLF submitted billing records for Ms. Leebove's services at its then-current rate of \$600
 16 an hour for purposes of a lodestar cross-check in fee applications made in *In re Cipro Cases I and*
 17 *II*, JCCP Nos. 4154, 4220 (San Diego County Sup. Ct.) and *In re Titanium Dioxide Antitrust*
 18 *Litigation*, 10-cv-00318-RDB (D. Md.). The respective courts performed a lodestar cross-check
 19 using that hourly rate, and awarded the fee requested in full.

20 f. Ryan McEwan is an associate at JSLF. He earned his J.D., *magna cum*
 21 *laude*, Order of the Coif, from Hastings College of the Law in 2012. Prior to joining JSLF Mr.
 22 McEwan worked as a fellowship attorney in the Antitrust Section of the California Department of
 23 Justice and a judicial extern to the Honorable John E. Munter of the San Francisco Superior
 24 Court, Complex Litigation Department. Mr. McEwan was named a 2015 "Rising Star" By
 25 Thompson-West's Super Lawyer publication. In 2013, JSLF submitted billing records for Mr.
 26 McEwan's services at its then-current rate of \$450 an hour for purposes of a lodestar cross-check
 27 in a fee applications made in *In re Cipro Cases I and II*, JCCP Nos. 4154, 4220 (San Diego
 28 County Sup. Ct.) and *In re Titanium Dioxide Antitrust Litigation*, 10-cv-00318-RDB (D. Md.).

1 The respective courts performed a lodestar cross-check using that hourly rate, and awarded the
2 fee requested in full.

3 g. Kevin Rayhill has six years of legal experience. Mr. Rayhill graduated
4 from Hastings College of the Law in 2009. Prior to joining JSLF, he was a Legal Research
5 Attorney at the Superior Court of San Francisco; held internships at the California Attorney
6 General's Office and the San Francisco City Attorney's Office; had an externship with Justice
7 Stuart R. Pollak of the California Court of Appeal's First District; and was a Research Attorney at
8 Lieff Cabraser. In 2013, JSLF submitted billing records for Mr. Rayhill's services at its then-
9 current rate of \$450 an hour for purposes of a lodestar cross-check in a fee applications made in
10 *In re Cipro Cases I and II*, JCCP Nos. 4154, 4220 (San Diego County Sup. Ct.) and *In re*
11 *Titanium Dioxide Antitrust Litigation*, 10-cv-00318-RDB (D. Md.). The respective courts
12 performed a lodestar cross-check using that hourly rate, and awarded the fee requested in full.

13 I declare under penalty of perjury under the laws of the United States and the State of
14 California that the foregoing is true and correct to the best of my knowledge and that this
15 declaration was executed in San Francisco, California on July 24, 2015.

16 JOSEPH SAVERI LAW FIRM, INC.

17 By: /s/ Joseph R. Saveri
18 Joseph R. Saveri

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